

STATEMENT OF PARTICULARS

The Board alleges that:

1. Ms. Holbert may have violated § 54.1-2957.01(A) and (B) of the Code and 18 VAC 90-40-90(A) and 90-40-130(1) of the Virginia Regulations for Prescriptive Authority for Nurse Practitioners in that during the course of her employment as a nurse practitioner with Eastern Shore Rural Health Systems, from on or about December 12, 2005, through December 22, 2006, Ms. Holbert wrote prescriptions for patients without a Board-approved prescriptive authority agreement with her supervising physicians.

2. Ms. Holbert may have violated §§ 54.1-2957.01(A), (B), and (E), 54.1-3007(2) and (5), and 54.1-3303 of the Code, 18 VAC 90-20-300(A)(2)(b) of the Virginia Board of Nursing Regulations, 18 VAC 90-30-220(3) and (4) of the Virginia Regulations Governing the Licensure of Nurse Practitioners, and 18 VAC 90-40-130(1) of the Virginia Regulations for Prescriptive Authority for Nurse Practitioners in that, during the course of her employment as a nurse practitioner with Eastern Shore Rural Health Systems, by her own admission:

a. On or about June 1, June 28, and August 28, 2006, Ms. Holbert prescribed Lunesta (eszopiclone) and Valium (diazepam, Schedule IV) to a personal friend who was not her patient or the patient of her employer, with whom she had no bona-fide practitioner-patient relationship, without ensuring that a medical or drug history was obtained, and without performing or having performed an appropriate examination. Ms. Holbert called the prescription for Valium in to a pharmacy giving the name of her supervising physician, without the physician's knowledge or approval.

b. On or about July 27, 2006, Ms. Holbert directed a co-worker to call in to a pharmacy a prescription for Klonopin (clonazepam, Schedule IV) for her own personal use, and on or about September 15, 2006, she directed another co-worker to call in a prescription for Lexapro (escitalopram) for her own personal use. In each instance, Ms. Holbert did not ensure that a medical or drug history was obtained and she did not

perform or have performed an appropriate examination. Further, Ms. Holbert directed her coworkers to use the name of her supervising physician without the physician's knowledge or approval.

3. Ms. Holbert may have violated § 54.1-3007(2), (5) and (8) of the Code, 18 VAC 90-20-300(A)(2)(f) of the Board of Nursing Regulations, and 18 VAC 90-30-220(4) of the Regulations Governing the Licensure of Nurse Practitioners, in that during the course of her employment with Cumberland Plateau District of the Health Department, Tazewell, Virginia:

a. On or about July 23, 2004, Patient A requested that Ms. Holbert not perform an invasive pelvic examination as she was not sexually active, and had never been sexually active. Ms. Holbert inappropriately denied the patient's request. Her examination resulted in excessive bleeding requiring Bacitracin to prevent infection.

b. On or about July 23, 2004, Patient B requested a change in her birth control method as the Depo-Provera she was taking did not agree with her. Ms. Holbert inappropriately argued with her about her preference of birth control alternatives. This patient subsequently expressed fear of Ms. Holbert and future confrontation with her.


c. On or about August 2, 2004, Ms. Holbert's supervising physician at Cumberland Plateau Health District, Lebanon, Virginia, temporarily rescinded her prescriptive authority and practice agreement due to unprofessional conduct in the clinical setting. He permanently rescinded the agreement on August 20, 2004. In addition to the allegations as set forth in 3(a) and 3(b) above, it was also reported to him that Ms. Holbert acted unprofessionally in that:

i. Ms. Holbert made demeaning comments to patients, including but not limited to opining about patients' tattoos and piercings.

ii. Ms. Holbert inappropriately commented to patients concerning their relationships.

iii. Ms. Holbert told patients they could not receive certain forms of birth control until they complied with her order for a mammogram. This was not a clinical policy, but her own personal preference.

FOR THE COMMITTEE OF THE JOINT BOARDS


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Executive Director for the
Board of Nursing

ENTERED: January 23, 2009 RD